



MINUTES  
SEPTEMBER 3, 2008

Jeffney & Lynn Peterson – Application for two (2) lot Re-subdivision (2.094 ac.) in the RA-40 Zone and Zone and Request for Waiver to Chap. 4, Sec. B.6.2.(a) of the Subdivision Regulations

– 8 Fox Den Rd. (#C08111) – SUB #08-02. Public hearing opened 8/20/08 – First 35 days will be up 9/23/08.

Attorney Fran Collins said they had received comments from the Fire Marshal and the Health Dept. today. He said revised plans have been submitted and asked Mark Kornhaas from Artel Engineering to explain the revisions. Mr. Kornhaas said they added a septic system about 56 ft away from the existing house. The Health Dept. says this plan is feasible but they still want a final plan. Several of the neighbors have expressed concerns about the septic and the overall drainage for the site. The Health Dept. has given a clean letter on the septic. He said there is a 50 ft. diameter snow shelf which is more than sufficient. Mr. Kornhaas said it is kind of hard to see; probably because it is about 20-22 ft. back from the shelf line. Mr. Keller asked if there is a possibility of blasting being needed and what kind of impact would it have on the adjoining properties. Mr. Kornhaas said it is possible that there could be blasting. Mr. Keller asked about the driveway distances. Mr. Kornhaas said there is a utility pole that would be situated right between the two driveways. He added that there is maybe five to seven ft. from the proposed driveway to the existing driveway. Mr. Keller asked about landscape buffers. Mr. Kornhaas said there are no regulations for this and they want to leave the right to cut the trees down to the purchaser of the lot.

Mrs. Emminger said they received the final reports from the Fire Marshal and Health Dept. She said despite the fact that the Padanaram Reservoir is a Class 1 Public Water Supply Watershed, this site is suitable for on-site septic. She said we are waiting for comments on the revised plans from Highway, Engineering and Planning. Attorney Collins said they have responded to all of the comments they have received. He then pointed out that there are two letters in favor of this proposal in the file. Mrs. Emminger then read the two letters in favor of this request from Robert & Susan Melvin, 7 Fox Den Rd. and Daniel & Danielle Lombardo, 10 Fox Den Rd. Chairman Finaldi noted that these do not need to be designated as exhibits.

Chairman Finaldi asked if there was anyone to speak in opposition to this application. Mrs. Emminger said she had spoken to one of the neighbors and they said they would be here around 8 PM once the husband gets home from work. After a brief discussion, it was decided to suspend the rules and look at the Old Business now and come back to this later in the meeting.

Later in the meeting, Chairman Finaldi again asked if there was anyone to speak in opposition to this application. At this time, a couple came forward.

Brian Lund, 20 Cushing Dr., said he is opposed to this for several reasons. First, he does not see how they can put the driveway where they propose without encroaching. He also is concerned about the drainage because when it rains or snows, they have bad drainage problems. Mrs. Lund then said the other problem is that all of the existing trees give them a sense of privacy and she is worried that they will take them all down. Chairman Finaldi asked Attorney Collins to respond to these issues.

Attorney Collins said these two driveways were approved and the City actually owns up to that property line, it's part of the right-of-way. Mr. Kornhaas said they are not going to touch the cul-de-sac. Mr. Manuel asked if the cul-de-sac would change at all. Mr. Kornhaas said there is no change proposed to either the shape or dimension. Mr. Urice asked about the Highway Dept. wanting a catch basin. Mr. Kornhaas explained that there is no place to put the water. Mrs.

Emminger said she would discuss this with Fran Lollie and try to come to an agreement about the runoff. She then asked Attorney Collins to clarify the City's easement and the temporary turnaround. She said with this, if the City wanted to they could put in the cul-de-sac. Mr. Urice said he has a similar situation on his property. It is a temporary easement so it is still your property; but the City can use it as a snow shelf.

Mrs. Emminger said she had requested some additional trees be planted between the property lines. She said Dr. Thomas Nero, 6 Fox Den Rd., who had spoken at the previous meeting and come into the office to review the plans, had also expressed some similar concerns. She suggested that we would like to see some additional plantings as a good gesture. She added that Mr. Kornhaas is correct in that the Regulations don't require this but it would be a good faith/good neighbor measure. She said this is just a suggestion since the neighbors are used to seeing it heavily wooded, so a staggered row of evergreens would provide an additional buffer. Mr. Keller said in a wooded area like this, we really cannot make a determination about how many trees are going to be cut down. This was followed by a discussion of the tree line, the limit line; clear cutting that has been done by applicants in the past and trying to preserve as many trees as possible. Mrs. Emminger said the protected tree line has to be staked out prior to any type of grading permit; it is something we've done in the past. Attorney Collins said Mrs. Emminger put it very well since it is not required in the Regulations. He then asked where exactly they were talking about. Chairman Finaldi said they would discuss that at the next meeting.

Mrs. Emminger referred to a non-specific comment about trees in her staff report. Chairman Finaldi reiterated that they would discuss this at the next meeting. Mr. Urice asked if everyone agreed. Dr. Thomas Nero then came forward and said what you see when you look at this site does not look like what is shown on this map. He said what the Lund's think is their front yard probably is not. Chairman Finaldi stopped him at this point saying this discussion is out of order. Mr. Manuel asked if the engineer can provide them with a detail on this issue so they can see exactly where the cull-de-sac is and the boundary line also. Attorney Collins said they would get Paul Fagan to do it. Mrs. Emminger suggested it be on an 11" X 17" sheet. Mr. Blazska asked that it include the tree in question also.

Mr. Urice made a motion to continue the hearing. Mr. Blaszkowski seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Sugar Hollow Road Assoc. LLC – Application for Special Exception to allow uses (Retail, Restaurants & Drive-thru Bank) generating in excess of 500 vehicle trips per day in the CG-20 Zone, “The Shops at Marcus Dairy”, 3 Sugar Hollow Rd. (#G17002 & #G17019) – SE #663.  
*Public hearing closed 8/6/08 – 65 days will be up 10/9/08.*

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Mrs. Emminger asked that this be tabled since the applicant submitted revisions last week. Mr. Urice asked as a point of order, how they submitted plans since the public hearing is closed. Mrs. Emminger said these plans were revisions for the floodplain permit which is an

administrative review. Mr. Urice made a motion to table this matter. Mr. Keller seconded the motion and it was passed unanimously.



There was nothing under Correspondence or Other Matters. Under For Reference Only were listed four applications for Floodplain Permits and a public hearing scheduled for October 1, 2008.

At 8:45 PM, Mr. Manuel made a motion to adjourn. Mr. Blaszkowski seconded the motion and it was passed unanimously.